

MESSAGE NO: 9173201

MESSAGE DATE: 06/22/2009

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: FIN-Final Determination

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-939

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 06/19/2009 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: FINAL DETERMINATION: AD INVESTIGATION OF TOW BEHIND LAWN GROOMERS
& PARTS FROM CHINA (A-570-939) (-001 & -002 NO LONGER HAVE SEPARATE RATE;-003 &
-004 NEW RATE)

MESSAGE NO: 9173201

DATE: 06 22 2009

CATEGORY: ADA

TYPE: FIN

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 939

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PERIOD COVERED: 06 19 2009 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: FINAL DETERMINATION: AD INVESTIGATION OF TOW BEHIND
LAWN GROOMERS & PARTS FROM CHINA (A-570-939) (-001 &
-002 NO LONGER HAVE SEPARATE RATE;-003 & -004 NEW RATE)

THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

1. ON 06/19/2009, COMMERCE PUBLISHED IN THE FEDERAL REGISTER
ITS FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN
THE ANTIDUMPING DUTY INVESTIGATION OF CERTAIN TOW BEHIND LAWN
GROOMERS AND CERTAIN PARTS (LAWN GROOMERS) FROM THE PEOPLE'S
REPUBLIC OF CHINA (PRC).

2. THE SCOPE OF THIS INVESTIGATION COVERS CERTAIN NON-MOTORIZED LAWN GROOMERS, MANUFACTURED FROM ANY MATERIAL, AND CERTAIN PARTS THEREOF. LAWN GROOMERS ARE DEFINED AS LAWN SWEEPERS, AERATORS, DETHATCHERS, AND SPREADERS.

UNLESS SPECIFICALLY EXCLUDED, LAWN GROOMERS THAT ARE DESIGNED TO PERFORM AT LEAST ONE OF THE FUNCTIONS LISTED ABOVE ARE INCLUDED IN THE SCOPE OF THIS INVESTIGATION, EVEN IF THE LAWN GROOMER IS DESIGNED TO PERFORM ADDITIONAL NON-SUBJECT FUNCTIONS (E.G., MOWING).

ALL LAWN GROOMERS ARE DESIGNED TO INCORPORATE A HITCH, OF ANY CONFIGURATION, WHICH ALLOWS THE PRODUCT TO BE TOWED BEHIND A VEHICLE.

LAWN GROOMERS THAT ARE DESIGNED TO INCORPORATE BOTH A HITCH AND A PUSH HANDLE, OF ANY TYPE, ARE ALSO COVERED BY THE SCOPE OF THIS INVESTIGATION.

THE HITCH AND HANDLE MAY BE PERMANENTLY ATTACHED OR REMOVABLE, AND THEY MAY BE ATTACHED ON OPPOSITE SIDES OR ON THE SAME SIDE OF THE LAWN GROOMER.

LAWN GROOMERS DESIGNED TO INCORPORATE A HITCH, BUT WHERE THE HITCH IS NOT ATTACHED TO THE LAWN GROOMER, ARE ALSO INCLUDED IN THE SCOPE OF THE INVESTIGATION.

LAWN SWEEPERS CONSIST OF A FRAME, AS WELL AS A SERIES OF BRUSHES ATTACHED TO AN AXLE OR SHAFT WHICH ALLOWS THE BRUSHING COMPONENT TO ROTATE. LAWN SWEEPERS ALSO INCLUDE A CONTAINER (WHICH IS A RECEPTACLE INTO WHICH DEBRIS SWEEPED FROM THE LAWN OR TURF IS DEPOSITED) SUPPORTED BY THE FRAME.

AERATORS CONSIST OF A FRAME, AS WELL AS AN AERATING COMPONENT THAT IS ATTACHED TO AN AXLE OR WHICH ALLOWS THE AERATING COMPONENT TO ROTATE. THE SHAFT AERATING COMPONENT IS MADE UP OF A SET OF KNIVES FIXED TO A PLATE (KNOWN AS A PLUG AERATOR),

A SERIES OF DISCS WITH PROTRUDING SPIKES(A SPIKE AERATOR), OR ANY OTHER CONFIGURATION, THAT ARE DESIGNED TO CREATE HOLES OR CAVITIES IN A LAWN OR TURF SURFACE.

DETHATCHERS CONSIST OF A FRAME, AS WELL AS A SERIES OF TINES DESIGNED TO REMOVE MATERIAL (E.G., DEAD GRASS OR LEAVES) OR OTHER DEBRIS FROM THE LAWN OR TURF. THE DETHATCHER TINES ARE ATTACHED TO AND SUSPENDED FROM THE FRAME.

LAWN SPREADERS CONSIST OF A FRAME, AS WELL AS A HOPPER (I.E., A CONTAINER OF ANY SIZE, SHAPE, OR MATERIAL) THAT HOLDS A MEDIA TO BE SPREAD ON THE LAWN OR TURF. THE MEDIA CAN BE DISTRIBUTED BY MEANS OF A ROTATING SPREADER PLATE THAT BROADCASTS THE MEDIA (BROADCAST SPREADER), A ROTATING AGITATOR THAT ALLOWS THE MEDIA TO BE RELEASED AT A CONSISTENT RATE (DROP SPREADER), OR ANY OTHER CONFIGURATION.

LAWN DETHATCHERS WITH A NET FULLY-ASSEMBLED WEIGHT (I.E., WITHOUT PACKING, ADDITIONAL WEIGHTS, OR ACCESSORIES) OF 100 POUNDS OR LESS ARE COVERED BY THE SCOPE OF THE INVESTIGATION.

OTHER LAWN GROOMERS-SWEEPERS, AERATORS, AND SPREADERS WITH A NET FULLY-ASSEMBLED WEIGHT (I.E., WITHOUT PACKING, ADDITIONAL WEIGHTS, OR ACCESSORIES) OF 200 POUNDS OR LESS ARE COVERED BY THE SCOPE OF THE INVESTIGATION.

ALSO INCLUDED IN THE SCOPE OF THE INVESTIGATION ARE MODULAR UNITS, CONSISTING OF A CHASSIS THAT IS DESIGNED TO INCORPORATE A HITCH, WHERE THE HITCH MAY OR MAY NOT BE INCLUDED, WHICH ALLOWS MODULES THAT PERFORM SWEEPING, AERATING, DETHATCHING, OR SPREADING OPERATIONS TO BE INTERCHANGED.

MODULAR UNITS WHEN IMPORTED WITH ONE OR MORE LAWN GROOMING MODULES WITH A FULLY ASSEMBLED NET WEIGHT (I.E., WITHOUT PACKING, ADDITIONAL WEIGHTS, OR ACCESSORIES) OF 200 POUNDS OR LESS WHEN INCLUDING A SINGLE MODULE, ARE INCLUDED IN THE SCOPE OF THE INVESTIGATION.

MODULAR UNIT CHASSES, IMPORTED WITHOUT A LAWN GROOMING MODULE AND WITH A FULLY ASSEMBLED NET WEIGHT (I.E., WITHOUT PACKING, ADDITIONAL WEIGHTS, OR ACCESSORIES) OF 125 POUNDS OR LESS, ARE ALSO COVERED BY THE SCOPE OF THE INVESTIGATION.

WHEN IMPORTED SEPARATELY, MODULES THAT ARE DESIGNED TO PERFORM SUBJECT LAWN GROOMING FUNCTIONS (I.E., SWEEPING, AERATING, DETHATCHING, OR SPREADING), WITH A FULLY ASSEMBLED NET WEIGHT (I.E., WITHOUT PACKING, ADDITIONAL WEIGHTS, OR ACCESSORIES) OF 75 POUNDS OR LESS, AND THAT ARE IMPORTED WITH OR WITHOUT A HITCH, ARE ALSO COVERED BY THE SCOPE.

LAWN GROOMERS, ASSEMBLED OR UNASSEMBLED, ARE COVERED BY THIS INVESTIGATION.

FOR PURPOSES OF THIS INVESTIGATION, UNASSEMBLED LAWN GROOMERS CONSIST OF EITHER

- 1) ALL PARTS NECESSARY TO MAKE A FULLY ASSEMBLED LAWN GROOMER, OR
- 2) ANY COMBINATION OF PARTS, CONSTITUTING A LESS THAN COMPLETE, UNASSEMBLED LAWN GROOMER, WITH A MINIMUM OF TWO OF THE FOLLOWING MAJOR COMPONENTS:

- 1) AN ASSEMBLED OR UNASSEMBLED BRUSH HOUSING DESIGNED TO BE USED IN A LAWN SWEEPER, WHERE A BRUSH HOUSING IS DEFINED AS A COMPONENT HOUSING THE BRUSH ASSEMBLY, AND CONSISTING OF A WRAPPER WHICH COVERS THE BRUSH ASSEMBLY AND TWO END PLATES ATTACHED TO THE WRAPPER;

- 2) A SWEEPER BRUSH;

- 3) AN AERATOR OR DETHATCHER WEIGHT TRAY, OR SIMILAR COMPONENT DESIGNED TO ALLOW WEIGHTS OF ANY SORT TO BE ADDED TO THE UNIT;

- 4) A SPREADER HOPPER;

5) A ROTATING SPREADER PLATE OR AGITATOR, OR OTHER COMPONENT DESIGNED FOR DISTRIBUTING MEDIA IN A LAWN SPREADER;

6) DETHATCHER TINES;

7) AERATOR SPIKES, PLUGS, OR OTHER AERATING COMPONENT; OR

8) A HITCH, DEFINED AS A COMPLETE HITCH ASSEMBLY COMPRISING OF AT LEAST THE FOLLOWING TWO MAJOR HITCH COMPONENTS, TUBING AND A HITCH PLATE REGARDLESS OF THE ABSENCE OF MINOR COMPONENTS SUCH AS PIN OR FASTENERS. INDIVIDUAL HITCH COMPONENT PARTS, SUCH AS TUBING, HITCH PLATES, PINS OR FASTENERS ARE NOT COVERED BY THE SCOPE.

THE MAJOR COMPONENTS OR PARTS OF LAWN GROOMERS THAT ARE INDIVIDUALLY COVERED BY THIS INVESTIGATION UNDER THE TERM CERTAIN PARTS THEREOF ARE:

- (1) BRUSH HOUSINGS, WHERE THE WRAPPER AND END PLATES INCORPORATING THE BRUSH ASSEMBLY MAY BE INDIVIDUAL PIECES OR A SINGLE PIECE; AND
- (2) WEIGHT TRAYS, OR SIMILAR COMPONENTS DESIGNED TO ALLOW WEIGHTS OF ANY SORT TO BE ADDED TO A DETHATCHER OR AN AERATOR UNIT.

THE PRODUCTS FOR WHICH RELIEF IS SOUGHT SPECIFICALLY EXCLUDE THE FOLLOWING:

- 1) AGRICULTURAL IMPLEMENTS DESIGNED TO WORK (E.G., CHURN, BURROW, TILL, ETC.) SOIL, SUCH AS CULTIVATORS, HARROWS, AND PLOWS;
- 2) LAWN OR FARM CARTS AND WAGONS THAT DO NOT GROOM LAWNS;
- 3) GROOMING PRODUCTS INCORPORATING A MOTOR OR AN ENGINE FOR THE PURPOSE OF OPERATING AND/OR PROPELLING THE LAWN GROOMER;
- 4) LAWN GROOMERS THAT ARE DESIGNED TO BE HAND HELD OR ARE DESIGNED TO BE ATTACHED DIRECTLY TO THE FRAME OF A VEHICLE, RATHER THAN TOWED;
- 5) PUSH LAWN GROOMING PRODUCTS THAT INCORPORATE A PUSH HANDLE RATHER THAN A HITCH, AND WHICH ARE DESIGNED SOLELY TO BE

MANUALLY OPERATED;

- 6) DETHATCHERS WITH A NET ASSEMBLED WEIGHT (I.E., WITHOUT PACKING, ADDITIONAL WEIGHTS, OR ACCESSORIES) OF MORE THAN 100 POUNDS, OR LAWN GROOMERS-SWEEPERS, AERATORS, AND SPREADERS WITH A NET FULLY-ASSEMBLED WEIGHT(I.E., WITHOUT PACKING, ADDITIONAL WEIGHTS, OR ACCESSORIES) OF MORE THAN 200 POUNDS; AND
- 7) LAWN ROLLERS DESIGNED TO FLATTEN GRASS AND TURF, INCLUDING LAWN ROLLERS WHICH INCORPORATE AN AERATOR COMPONENT (E.G., DRUM-STYLE SPIKE AERATORS).

THE LAWN GROOMERS THAT ARE THE SUBJECT OF THIS INVESTIGATION ARE CURRENTLY CLASSIFIABLE IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS) STATISTICAL REPORTING NUMBERS 8432.40.0000, 8432.80.0000, 8432.80.0010, 8432.90.0030, 8432.90.0080, 8479.89.9896, 8479.89.9897, 8479.90.9496, AND 9603.50.0000.

THESE HTSUS PROVISIONS ARE GIVEN FOR REFERENCE AND CUSTOMS PURPOSES ONLY, AND THE DESCRIPTION OF MERCHANDISE IS DISPOSITIVE FOR DETERMINING THE SCOPE OF THE PRODUCT INCLUDED IN THIS INVESTIGATION.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-570-939.

4. FOR IMPORTS OF CERTAIN TOW BEHIND LAWN GROOMERS AND CERTAIN PARTS, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 01/28/2009.

5. EFFECTIVE 06/19/2009, CBP SHALL REQUIRE, FOR ENTRIES OF CERTAIN TOW BEHIND LAWN GROOMERS AND CERTAIN PARTS FROM THE EXPORTER/PRODUCER COMBINATIONS LISTED BELOW, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE ANTIDUMPING DUTY RATES SHOWN BELOW:

EXPORTER: QINGDAO HUATIAN TRUCK CO., LTD. AKA
QINGDAO HUATIAN HAND TRUCK CO., LTD.
PRODUCER: QINGDAO HUATIAN TRUCK CO., LTD. AKA
QINGDAO HUATIAN HAND TRUCK CO., LTD.
CASE NUMBER: A-570-939-003
DUTY MARGIN: 154.72

EXPORTER: NANTONG D & B MACHINERY CO., LTD.
PRODUCER: NANTONG D & B MACHINERY CO., LTD.
CASE NUMBER: A-570-939-004
DUTY MARGIN: 154.72 PERCENT

PRC-ENTITY
CASE NUMBER: A-570-939-000
DUTY MARGIN: 386.28 PERCENT

BOTH PRINCEWAY FURNITURE (DONG GUAN) CO., LTD. AND JIASHAN
SUPERPOWER TOOLS CO., LTD. ARE NO LONGER ELIGIBLE FOR A
SEPARATE RATE AND ARE NOW CONSIDERED PART OF THE PRC-WIDE
ENTITY.

EFFECTIVE 06/19/2009, THE FOLLOWING CASE NUMBERS ARE NO
LONGER AVAILABLE FOR ENTRIES OF LAWN GROOMERS FROM THE PRC:
A-570-939-001 AND A-570-939-002.

6. FOR ALL OTHER ENTRIES OF CERTAIN TOW BEHIND LAWN GROOMERS
AND CERTAIN PARTS, THE FOLLOWING CASH DEPOSIT/BONDING
INSTRUCTIONS APPLY:

A. FOR ALL PRC EXPORTERS OF CERTAIN TOW BEHIND LAWN GROOMERS
AND CERTAIN PARTS, WHICH HAVE NOT RECEIVED THEIR OWN RATE THE
CASH-DEPOSIT OR BONDING RATE WILL BE THE PRC-WIDE RATE.

B. FOR ALL NON-PRC EXPORTERS OF CERTAIN TOW BEHIND LAWN
GROOMERS AND CERTAIN PARTS WHICH HAVE NOT RECEIVED THEIR OWN
RATE, THE CASH-DEPOSIT OR BONDING RATE WILL BE THE RATE
APPLICABLE TO THE PRODUCER/EXPORTER COMBINATIONS THAT

SUPPLIED THAT NON-PRC EXPORTER.

7. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CBP, CUSTOMS OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT).

OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTIES, CUSTOMS OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMIR OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY 04:TEM).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CHRISTINE M. FURGASON

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party